

AMENDED IN ASSEMBLY APRIL 13, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1221**

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**Introduced by Assembly Member Alejo**

February 18, 2011

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An act to amend Sections 13400 and 13442 of the Water Code, relating to water, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 1221, as amended, Alejo. State Water Quality Control Fund: State Water Pollution Cleanup and Abatement Account.

Existing law, the Porter-Cologne Water Quality Control Act, authorizes the imposition and collection of civil and criminal penalties for specified violations of that act. The act requires certain moneys, including General Fund revenues of penalties, collected pursuant to these provisions to be deposited in the State Water Pollution Cleanup and Abatement Account in the State Water Quality Control Fund. The act continuously appropriates the money in the account to the State Water Resources Control Board for specified cleanup programs.

The act authorizes the state board, upon application by a public agency with authority to clean up or abate the effects of waste on waters of the state, to order moneys in the account to be paid to the agency to assist in cleaning up or abating the effects of the waste.

This bill would additionally authorize the state board to pay these moneys to tribes, as defined, and ~~entities operating private, not-for-profit water systems~~ *not-for-profit organizations serving disadvantaged communities, as defined*, that have authority to clean up or abate the effects of waste. By authorizing new expenditures from a continuously appropriated account, this bill would make an appropriation.

Vote:  $\frac{2}{3}$ . Appropriation: yes. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 13400 of the Water Code is amended to  
2     read:  
3     13400. As used in this chapter, unless otherwise apparent from  
4     the context:  
5     (a) “Facilities” means any of the following:  
6     (1) Facilities for the collection, treatment, or export of waste  
7     when necessary to prevent water pollution.  
8     (2) Facilities to recycle wastewater and to convey recycled  
9     water.  
10    (3) Facilities or devices to conserve water.  
11    (4) Any combination of the facilities described in paragraph  
12    (1), (2), or (3).  
13    (b) “Fund” means the State Water Quality Control Fund.  
14    (c) “*Not-for-profit organization*” means an organization  
15    operated on a not-for-profit basis, including, but not limited to,  
16    an association, cooperative, or private corporation.  
17    “*Not-for-profit*” organization includes only an organization that  
18    is either controlled by a local public body or bodies or has a  
19    broadly-based ownership by, or membership of, people of the local  
20    community.  
21    (d) “Public agency” means any city, county, city and county,  
22    district, or other political subdivision of the state.  
23    (e) “Tribe” means a California Tribe that is listed on the Native  
24    American Heritage Commission tribal list.  
25    SEC. 2. Section 13442 of the Water Code is amended to read:  
26    13442. (a) Upon application by a public agency, a tribe, or an  
27    entity operating a private, not-for-profit water system with a  
28    not-for-profit organization serving a disadvantaged community,  
29    as defined in Section 79505.5, with authority to clean up a waste  
30    or abate the effects of a waste, the state board may order moneys  
31    to be paid from the account to the agency, a tribe, or entity  
32    operating a private, not-for-profit water system tribe, or  
33    operating a private, not-for-profit water system  
34    operating a private, not-for-profit water system

1 *organization* to assist it in cleaning up the waste or abating its  
2 effects on waters of the state.  
3 (b) The agency, a tribe, or ~~entity operating a private,~~  
4 ~~not-for-profit water system~~ *a not-for-profit organization serving*  
5 *a disadvantaged community, as defined in Section 79505.5,* shall  
6 not become liable to the state board for repayment of moneys paid  
7 under this section, but this shall not be a defense to an action  
8 brought pursuant to subdivision (c) of Section 13304 for the  
9 recovery of moneys paid under this section.